

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

DAVID CHRISTIAN, et. al.,)	
)	
Plaintiffs,)	Case No. 2:11cv0082
)	
v.)	
)	
SWALLOWS PRODUCE, INC. and JACKY R. SWALLOWS,)	Judge Sharp
)	
Defendants,)	Magistrate Judge Brown
)	
and)	
)	
SWALLOWS PRODUCE, INC. and JACKY R. SWALLOWS,)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
TWO BROTHERS FARM OF GEORGIA, INC., a/k/a TWO BROTHERS FARM, INC. and MICHEL D. GERMAIN,)	
)	
Third-Party Defendants.)	

THIRD-PARTY PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Defendants/Third-Party Plaintiffs Swallows Produce, Inc. and Jacky R. Swallows ("Third-Party Plaintiffs") request that this Court enter a default against Third-Party Defendants Two Brothers Farm of Georgia, Inc. a/k/a Two Brothers Farm, Inc. and Michel Germain ("Third-Party Defendants"). In support of this request, Third-Party Plaintiffs state as follows:

1. On January 20, 2012, Third-Party Plaintiffs filed a Third-Party Complaint against Third-Party Defendants for breach of contract and indemnification. (Doc. 22, ¶5).

2. Third-Party Defendants were served with the Summons and Complaint on February 7, 2012. (Docs. 32 and 33).

3. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Third-Party Defendants were required to serve a responsive pleading within twenty-one (21) days after being served with the summons and complaint. Therefore, Third-Party Defendants' answer or other responsive pleading was due on or before February 28, 2012.

4. To date, Third-Party Defendants have failed to file an answer or other responsive pleading.

5. As is more fully set forth in the Affidavit of Rachel K. Ross filed herewith as Exhibit 1, the individual Third-Party Defendant, Michel Germain, is neither incompetent nor an infant, nor currently serving on active duty with any branch of the military of the United States of America.

WHEREFORE, Third-Party Plaintiffs request:

A. The entry of a default against Third-Party Defendants Two Brothers Farm of Georgia, Inc. a/k/a Two Brothers Farm, Inc. and Michel Germain; and

B. Such other additional relief as is just and appropriate.

Respectfully submitted,

/s/ Rachel K. Ross

C. Eric Stevens (#010632)
Rachel K. Ross (#027501)
LITTLER MENDELSON, P.C.
3200 West End Avenue
Suite 500
Nashville, TN 37203
Telephone: 615.383.3033
Facsimile: 615.383.3323
estevens@littler.com
ross@littler.com

*Attorneys for Defendants/Third-Party Plaintiffs
Swallows Produce, Inc. and Jacky R. Swallows*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served via the Court's ECF Mail System upon the following:

Melody Fowler-Green
Southern Migrant Legal Services
311 Plus Park Blvd. Ste 135
Nashville, TN 37217
Phone: 615-750-1200
Fax: 615-366-3349
mfgreen@trla.org

Gregory S. Schell
Migrant Farmworker Justice Project
508 Lucerne Avenue
Lake Worth, FL 33460-3819
Phone: 561-582-3921
Fax: 561-582-4881
Greg@Floridalegal.org

and via first class U.S. mail upon the following:

Michel Germain
853 N.W. 110 St.
Miami, FL 33168

Two Brothers Farm of Georgia, Inc.
c/o Michel Germain
853 N.W. 110 St.
Miami, FL 33168

on this the 12th day of March, 2012.

/s/ Rachel K. Ross
Rachel K. Ross

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